

Inglewood



FILED
2008 JUN 20 AM 9:30

OFFICE OF THE CITY CLERK

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

Yvonne Horton
CITY CLERK

June 13, 2008

Los Angeles County
Board of Supervisors
Room 383 Hall of Administration
500 W. Temple St.
Los Angeles, CA. 90012
Attn: Executive Officer

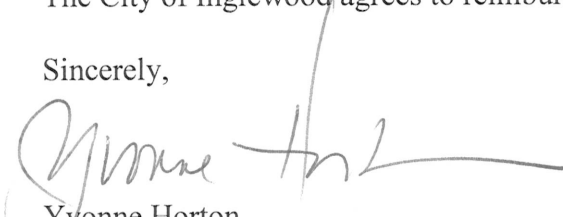
Dear Sirs:

Enclosed is a certified copy of **Resolution No. 08-38**, adopted by the City Council on June 12, 2008 calling and giving notice of a Special Municipal Election and ordering that a measure be submitted to the voters pertaining to the City's Communications Users' Tax at the Election to be held on November 4, 2008 and Exhibit "A" (the ordinance to be voted on). The resolution requests consolidation of this election with the Statewide General Election to be held on the same date, and that instructions be issued to the county election department to take the necessary steps for the holding of the consolidated election.

I have also forwarded a copy of the Resolution and Exhibit to the Los Angeles County Registrar Recorder for their records.

The City of Inglewood agrees to reimburse the County for any costs.

Sincerely,



Yvonne Horton
City Clerk

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Enclosures (2)

RESOLUTION No. 08- 38

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INGLEWOOD, CALIFORNIA, CALLING AND GIVING NOTICE OF A SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 2008; SUBMITTING A MEASURE TO THE QUALIFIED ELECTORS OF THE CITY AT THAT ELECTION WITH RESPECT TO THE CITY'S COMMUNICATIONS USERS' TAX (UTILITY USERS' TAX); DECLARING THE EXISTENCE OF AN EMERGENCY NECESSITATING SUCH ACTION; AND REQUESTING THAT THE BOARD OF SUPERVISORS FOR THE COUNTY OF LOS ANGELES CONSOLIDATE SAID ELECTION WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE SAME DATE

WHEREAS, pursuant to Chapter 9 of Article 9 of the Inglewood Municipal Code, the City currently levies a Utility Users' Tax; and

WHEREAS, the City Council desires to reduce the rate of the telecommunications portion of the Utility Users' Tax and to make other revisions to the method of calculating and collecting the tax in order to reflect technological advances and changes in federal law; and

WHEREAS, the City depends on the telecommunications portion of the tax to fund essential city services; and

WHEREAS, the City must protect funding for local police, fire and 9-1-1 emergency services and ensure that local public safety workers respond quickly and effectively to 9-1-1 calls throughout the City, providing residents with life-saving emergency services; and

1 **WHEREAS**, funds from the UUT maintain and protect
2 essential programs and services such as providing local
3 seniors with health screenings, meals on wheels, and
4 transit services; maintaining City parks and youth
5 recreation programs, including pre-school and daycare;
6 keeping City libraries open; and tree trimming services;
7 and

8 **WHEREAS**, it is important to protect parks and
9 recreation programs for our youth such as youth football,
10 soccer, baseball and basketball leagues, and summer camps;
11 and

12 **WHEREAS**, low-income seniors and the disabled are
13 exempt from the communications users' tax; and

14 **WHEREAS**, the public can review all city budget
15 expenditures, including revenues from the UUT, at Inglewood
16 City libraries; and

17 **WHEREAS**, all expenditures are subject to annual
18 independent financial audits to ensure that the money is
19 used properly; and

20 **WHEREAS**, proposed Ordinance No 08-01, attached hereto
21 as Exhibit "A" (the "Ordinance") would implement these
22 proposed revisions to the tax; and

23 **WHEREAS**, pursuant to Article VIII of the City Charter,
24 Government Code Section 53724 and Election Code Section
25 9222, the City Council desires to submit the Ordinance to
26 the qualified electors of the City; and

27 \\\

28

1 **WHEREAS**, the City Council desires to place this matter
2 on the ballot for the Special Municipal Election on
3 November 4, 2008 at which the electors may consider the
4 Ordinance; and

5 **WHEREAS**, the City Council desires to declare the
6 existence of an emergency necessitating such actions.

7 **NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF**
8 **INGLEWOOD, DOES HEREBY RESOLVE, FIND, DETERMINE AND ORDER**
9 **AS FOLLOWS:**

10 **SECTION 1.** The City Council finds and determines
11 that each of the findings set forth above is true and
12 correct.

13 **SECTION 2.** Pursuant to Article VII of the City
14 Charter, Government Code Section 53724 and Elections Code
15 Section 9222, there shall be and there is hereby called and
16 ordered held in the City of Inglewood, California, on
17 Tuesday, the 4th day of November, 2008, a Special Municipal
18 Election for the purpose of submitting the Ordinance to the
19 qualified voters of the City of Inglewood (the "Election").

20 **SECTION 3.** Pursuant to Government Code Section
21 53724(c), the City Council hereby declares its intent to
22 consolidate said Election with the Statewide General
23 Election to be held on November 4, 2008.

24 **SECTION 4.** The City Council proposes to impose the
25 general taxes set forth in the Ordinance. The proposed
26 type of tax, the rate of the tax, and the method of tax
27 collection are as set forth in Section 1 of the Ordinance.
28 As set forth in Section 4 of this Resolution, the proposal

1 will be presented to the voters on November 4, 2008 at the
2 Election.

3 **SECTION 5.** Pursuant to Elections Code Section
4 9222, the City Council hereby submits the Ordinance to the
5 voters at the Election and orders the following question to
6 be submitted to the voters at the Election:

7
8 Measure 08-___:

9 **City of Inglewood Communications Users Tax YES**

10 **Rate Reduction and Modernization Measure. _____**

11 Shall an ordinance be adopted reducing the
12 existing tax rate on cable/telephone services
13 from 10% to 8%, with revenues funding vital
14 services including; anti-gang/after-school
15 programs, 9-1-1 emergency, public safety, fire
16 protection, parks, recreation, graffiti
17 abatement, libraries, and senior services;
18 replacing outdated ordinances with a modern
19 ordinance ensuring taxpayers are treated
20 equally, exemptions for low-income seniors and
21 disabled, and annual independent audits for
22 fiscal accountability?

NO

23 This question requires the approval of a majority of
24 those casting votes.

25 **SECTION 6.** The measure to be submitted to the
26 voters is attached to this Resolution as Exhibit "A" and
27 incorporated herein by this reference.
28

1 **SECTION 7.** In all particulars not recited in this
2 Resolution, the election shall be held and conducted as
3 provided by law for holding municipal elections.

4 **SECTION 8.** Notice of the time and place of holding
5 the election is hereby given, and the City Clerk is
6 authorized, instructed and directed to give further or
7 additional notice of the election, in time, form and manner
8 as required by law.

9 **SECTION 9.** Pursuant to California Elections Code
10 Section 9280, the City Council hereby directs the City
11 Clerk to transmit a copy of the measure to the City
12 Attorney. The City Attorney shall prepare an impartial
13 analysis of the measure, not to exceed 500 words in length,
14 showing the effect of the measure on the existing law and
15 the operation of the measure, and transmit such impartial
16 analysis to the City Clerk within ten (10) days of the
17 adoption of this Resolution.

18 **SECTION 10.** That the City Clerk is authorized,
19 instructed and directed to procure and furnish any and all
20 official ballots, notices, printed matter and all supplies,
21 equipment and paraphernalia and secure required polling
22 places and workers that may be necessary in order to
23 properly and lawfully conduct the election.

24 **SECTION 11.** The polls for the Election shall be
25 open at 7:00 AM on the day of said election and shall
26 remain open continuously from said time until 8:00 PM of
27 the same day and shall then be closed, except as provided
28 in Section 14401 of the Elections Code.

1 **SECTION 12.** The City Council hereby requests the
2 Los Angeles County Registrar of Voters to provide all
3 services necessary to conduct the Election and to conduct
4 and canvass the results of the election.

5 **SECTION 13.** The City shall reimburse the Los
6 Angeles County Registrar of Voters for services performed
7 at the rate specified per registered voter in the City,
8 when the work is completed and upon presentation to the
9 city of a properly approved bill.

10 **SECTION 14.** Pursuant to Section 2(b) of Article
11 XIIID of the California Constitution, the City Council
12 declares, by a unanimous vote of its membership, that an
13 emergency exists necessitating that the Ordinance be
14 submitted to the electorate at the Election. The nature of
15 this emergency is as follows:

16 A. The City currently receives \$9 million a year in
17 revenues from Utility Users' Tax on telecommunication
18 and CATV services, and such tax revenues are critical
19 to the public welfare and the City's financial ability
20 to provide essential municipal services such as
21 police, fire, 9-1-1 emergencies, parks, recreation,
22 anti-gang/after-school programs, libraries and senior
23 services.

24 B. Several major telecommunication providers have
25 notified the City in writing that they are collecting
26 the City's Utility Users' Tax under protest.

27 C. Lawsuits have been filed against other
28 jurisdictions challenging the application of utility

1 users' taxes to certain telecommunication services
2 based upon allegedly definitions contained in the
3 ordinances governing such taxes and/or references to
4 allegedly inapplicable federal laws.

5 D. Legislation (S. 170 and S. 140) has been
6 introduced in the United States Congress which may
7 repeal certain federal laws referenced in the City's
8 Utility Users' Tax ordinance.

9 E. It is urgently important that the City restore
10 certainty in its ability to impose its' utility users'
11 taxes by reducing the legal and legislative risks that
12 currently endanger this critical funding stream.

13 F. These circumstances constitute a fiscal
14 emergency.

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16 BE IT FURTHER RESOLVED that the City Clerk shall certify to
17 the adoption of this resolution and the same shall be in
18 full force and effective immediately upon adoption.

19
20 Passed, approved and adopted this 12th day of June,
21 2008.

22
23 ROOSEVELT F. DORN

24 ROOSEVELT DORN, MAYOR

25
26 ATTEST
27 YVONNE HORTON

28 YVONNE HORTON, CITY CLERK